

REMARKS

At the time of the Final Office Action dated July 7, 2010, claims 1, 5, 9, 10, 12, 16, 17 and 19-30 were pending in this application. Claim 19 has been cancelled.

Independent Claims 1, 5 and 12 have been amended to overcome the rejections based on 35 U.S.C. § 103.

CLAIMS 1, 5, 9-10, 12, 16 AND 19-30 ARE REJECTED UNDER 35 U.S.C. § 103 AS BEING OBVIOUS IN VIEW OF JUDGE AND BANDINI

On page 2-7 of the Final Office Action, the Examiner asserted that the claimed invention, as recited in claims 1, 5, 9, 10, 12, 16, 17 and 20-30, are obvious in view of Judge and Bandini. This rejection is respectfully traversed.

Although Applicants disagree with the Examiner's implied assertion that independent claim 1 is obvious in view of Judge and Bandini, independent claim 1 has been amended to recite that "said agreement establishes a policy that establishes a policy that determines which level of trust to apply to spam notifications emanating from other ones of the computing groups. As such, independent claim 1 requires not only whether a level of trust is applicable, but which level of trust is applicable. On page 5 of the Final Office Action, the Examiner acknowledges that Bandini fails to disclose "any different levels of trust being established for notifications." Without different levels of trust being established for a notification being disclosed by Bandini, there can be no determination of "which level of trust to apply to spam notifications emanating

1 from other ones of the computing groups.” Moreover, the Examiner’s reliance of Official Notice
2 pursuant to MPEP 2144.03 is unsupported and therefore impermissible. The Bandini and Judge
3 references are cited by the Examiner as being the most relevant prior art in the field of spam
4 filtering and control; however, neither Bandini nor Judge discuss the concept of applying
5 different levels of trust (e.g., lower levels, high levels and same level) to spam notifications
6 emanating from other ones of computing groups. Furthermore, the Examiner has failed to
7 present any documentary evidence to support the Examiner’s conclusion. As such, the Examiner
8 has failed to present a prima facie case of obviousness under 35 U.S.C. § 103.

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10 Additionally, as Applicant’s amendments are directed strictly to the rejections under 35
11 U.S.C. § 103 and are directed to reduce the issues on appeal. As Applicant’s amendments
12 necessarily reduce the number of issues remaining for appeal and as set forth in M.P.E.P. 714.12,

13 Once a final rejection that is not premature has been entered in an application, applicant or patent
14 owner no longer has any right to unrestricted further prosecution. This does not mean that no
15 further amendment or argument will be considered. **Any amendment that will place the**
16 **application either in condition for allowance or in better form for appeal may be entered.**
17 Also, amendments filed after a final rejection, but before or on the date of filing an appeal,
18 complying with objections or requirements as to form are to be permitted after final action in
19 accordance with 37 CFR 1.116(b).
20

21 Accordingly, Applicant respectfully requests entry of the amended claim 1 under M.P.E.P.
22 714.12.

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24 For the reasons submitted above, Applicants respectfully solicit withdrawal of the imposed
25 rejection of claims 1, 5, 9, 10, 12, 16, 17 and 20-30 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500563, and please credit any excess fees to such deposit account.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-3829, and please credit any excess fees to such deposit account.

Date: December 7, 2010

Respectfully submitted,

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